

**ENTERED**

October 29, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MONTREAIL DEAN DUNGY,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 2:20-CV-300
	§	
UNITED STATES OF AMERICA, <i>et al</i> ,	§	
	§	
Respondents.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 25). The M&R recommends that the Court *sua sponte* dismiss as moot Petitioner Montreail Dungy's 28 U.S.C. § 2241 petition (D.E. 1) and deny Respondent USA's construed motion for summary judgment (D.E. 19) as moot.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R.<sup>1</sup> See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate

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<sup>1</sup> Petitioner's mail was returned as undeliverable. Since then, the Court has waited an appropriate amount of time for an updated address. As a party, Petitioner is required to keep the Court apprised of his current address at all times and has failed to do so.

Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 25). Accordingly, the Court:

- (1) *Sua sponte* **DISMISSES** as moot Petitioner's 28 U.S.C. § 2241 petition (D.E. 1).
- (2) **DENIES** Respondent USA's construed motion for summary judgment (D.E. 19) **as moot**.

A final judgment will be entered separately.

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
October 30th, 2021